



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

JAN 28 2010

EPA Region 5 Records Ctr.



348046

MEMORANDUM

REPLY TO THE ATTENTION OF:  
SE-5J

**SUBJECT:** ACTION MEMORANDUM - Request for a Ceiling Increase to Complete the Time-Critical Removal Action at the State Plating Site, Elwood, Madison County, Indiana (Site ID# B5SG)

**FROM:** Anita L. Boseman, On-Scene Coordinator  
Emergency Response Section 3

*On file for RB*

**THRU:** Jason H. El-Zein, Chief *JHE*  
Emergency Response Branch 1

**TO:** Richard C. Karl, Director  
Superfund Division

**I. PURPOSE**

The purpose of this memorandum is to request and document your approval to increase the project ceiling in order to complete the on-going time critical removal action at the State Plating Site (the "Site") in Elwood, Madison County, Indiana (latitude 40° 16' 58" north and longitude 85° 51' 06" west). The original Action Memorandum was signed by you September 21, 2009. An increase in funding is necessary to continue mitigation of an imminent and substantial threat to public health, welfare and the environment posed by the presence of uncontrolled hazardous substances, pollutants and contaminants at the Site. The proposed ceiling increase of \$1,061,594, combined with the previously approved \$784,536, will bring the total allowable project ceiling funding expenditure to \$1,846,130.

The U. S. Environmental Protection Agency has documented the presence of large amounts of various nickel and chrome plating wastes at the Site in treatment pits, tanks, damaged vats, open and damaged drums, and small containers. Labels on existing inventory, hazardous categorization (HazCAT) in the field and laboratory analysis show the presence of corrosive acids and bases, spent acid plating solutions, solid residues, organic grease, oxidizing liquids and waste water.

Under the authority of Section 104(a) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. § 9604(a), and the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 C.F.R. § 300.415(b)(2), the continuation of the time-critical removal action will mitigate or eliminate the immediate threat

posed to public health, welfare and the environment at the Site. The uncontrolled conditions of the hazardous substances, pollutants and contaminants at the Site, and the Site's close proximity to residences, farms, and local businesses require that this action be classified as a time-critical removal action. The continued response action will require an additional 120 working days to complete.

There are no nationally significant or precedent setting issues associated with the Site. The Site is not on the National Priorities List.

## **II. SITE CONDITIONS AND BACKGROUND**

CERCLIS ID # INN 000 510 359

### **A. Site Description**

#### **1. Physical Location**

The Site is located in an urban industrial/residential area at 450 North 9th Street in Elwood, Madison County, Indiana. The geographical coordinates for the Site are latitude 40°16'58" north and longitude 85°51'06" west. The Site covers approximately 26 acres and contains one 340,000 square foot building. The building, which is located in the center of the Site, is composed of 11 sections. Five of the sections, A, B, E, F, and J were used for storage, packaging, and loading; three of the sections, D, H, and K, were used for plating operations; two of the sections, C and I, were used for treatment operations; and one section, G, was used for offices. The Site is bordered to the north by undeveloped land and railroad tracks, to the east by a farm on North 9th Street and a commercial property directly across the street, to the south by North D Street and residential properties, and to the west by North 5th Street and residential properties. Big Duck Creek flows from north to south less than ½ mile southwest of the Site. According to the Madison County Emergency Management Agency (EMA), there are 2,593 homes, 4 schools, and 1 hospital within a 1-mile radius of the Site.

According to the Region 5 Superfund Environmental Justice Analysis, a total population of 5,538 residents lives within a one mile radius of the Site. Approximately 2% of these residents are classified as minority. Approximately 53% of the families residing in this area have an income of less than the established state low income level. To meet the Environmental Justice concern criteria in Indiana, the area within a 1 mile radius of the Site must have a population that is at least 58% low-income and/or 28% minority. Therefore, the demographic conditions do not establish an environmental justice priority for the community around this Site.

#### **2. Site History**

In 1983 and 1994, State Plating, Inc. purchased the land parcels comprising the Site from E. Konigslow Stamping and Tool. Co. In 1998, State Plating, Inc. transferred ownership of the Site to State Plating, LLC. In 2004, State Plating, LLC transferred ownership of the Site to Railing Enterprises, LLC. The last known operator of the Site, State Plating ceased operations at the Site on May 2, 2008. The Site is still owned by Railing Enterprises, LLC. Real property

taxes for the 2006 and 2007 tax years in the amount of \$381,791.32 are unpaid and the property is eligible for tax sale. State Plating conducted nickel, nickel chrome, and dual nickel-chrome plating and polishing of office furniture, wire goods, automatic parts, kitchen hardware, and plumbing fixtures. As a small-quantity generator of hazardous waste, State Plating generated electroplating sludge designated as D002 and D007 wastes. Since the facility's closure, Railing Enterprises, LLC has conducted salvage operations on many of the plating lines, tanks, and other equipment at the Site.

On June 18, 2009, EPA On-Scene Coordinator (OSC) Jeffery Crowley and IDEM OSC Jason Sewell observed that the public could easily access the Site. Therefore, the OSCs determined that a recommendation to secure the building at the Site should be made to U.S. EPA management.

## **B. Other Actions to Date**

### **1. Removal Site Evaluations**

On June 30 and July 1, 2009, EPA OSCs Jeffrey Crowley and Anita L. Boseman, IDEM OSCs Jason Sewell and Bill Myers, and START Weston members Randy Kirkland, Andy Ravis, and Sean Kane conducted an emergency removal assessment at the Site that included documentation of conditions at the Site, collection of samples for threat analysis, and inventory of the materials stored in the building at the Site. The owner of the Site, Railing Enterprises, LLC, provided verbal access to the Site.

All of the tanks and pits were once used as part of the electroplating process and contained acid solution, plating material, caustic solution, or rinse solution. At the time of the site assessment, it appeared that the tanks and pits had not been used for an extended amount of time. Nearly all of the tanks and pits are uncovered and contain plating waste or a mixture of plating material and rain water. Some of the tanks are elevated. The pits are inset below the floor surface. The areas around several of the tanks and pits are saturated with spilled material. The threats present at the Site are numerous.

On July 8, 2009, EPA confirmed that the owner of the Site, Railing Enterprises, LLC, had no objection to EPA's plan to secure the Site.

### **2. Previous Removal Actions**

On July 10, 2009, EPA authorized \$40,000 to perform emergency stabilization at the Site. Several windows were broken and uncovered, and many personnel and bay doors were unsecured or open. This emergency response action included securing over 35 doors to the Site building and installing 3 new exterior gates and locks on the exterior gates and doors.

On September 21, 2009, you approved an Action Memorandum to expend \$784,536 for a time critical removal action to at the Site. Below is a detailed list of the activities performed to date of this time critical removal action to mitigate an imminent and substantial threat to public health, welfare and the environment posed by the presence of uncontrolled hazardous substances, pollutants and contaminants at the Site.

### **3. Current Removal Actions**

On October 12, 2009, EPA mobilized its Emergency Rapid Response Service (ERRS) and Superfund Technical Assessment and Response Team (START) contractors to the Site. Specifically, the following activities were started or have been completed:

- a. Developed and implemented a Site Health and Safety Plan, including an Air Monitoring Plan and Site Contingency Plan;
- b. Developed and implemented a Site Security Plan;
- c. Established a Command Post and Work Zones;
- d. Inventoried, staged, sampled and categorized by hazard the following:

92 – processing vats	8 – pits various sizes, pit #9 is dry
2 - 150 gallon poly tanks	30 - 250 gallon poly totes
99 - 55 gallon metal drums	23 - 55 gallon fiber drums
20 - various sized drums	132 - 5 gallon containers
43 - bagged solids	334 - various types of small containers
- e. Analyzed samples via Microbac Laboratory for disposal;
- f. Identified nine bulk liquid waste streams for disposal (exclusive of drums, small containers, pits, debris, and floor sweepings);
- g. Accepted disposal bid of \$228,000 for the nine bulk liquid waste streams, an estimated 262,000 gallons;
- h. Removed and cut 96,600 linear feet of "dry" plating process lines.

### **4. Justification for the Project Ceiling Increase**

- a. A large number of vats, tanks, drums, totes, small containers, pits, and secondary containment systems have been discovered at the Site which were not accessible during the Site Assessment. Safety concerns created by poor lighting conditions, the presence of debris piled around the plating lines, and deteriorated access platforms adjacent to the vats, prevented a thorough assessment in some areas in the building. As a result, the volume of hazardous substances and constituents originally estimated to be present at the Site has increased and the estimated cost for disposal of such hazardous substances and constituents has increased;

- b. Floor sweepings contain high concentrations of chromium, resulting in an increase in disposal costs;
- c. There appears to be non-intact asbestos in some areas of the building, therefore, further analysis is necessary. Subsequent removal and disposal of asbestos-containing material may be necessary;
- d. Additional personnel, personnel hours, per diem and lodging, and material will be required.

### **C. State and Local Authorities Role**

#### **1. State and Local Actions to Date**

On June 15, 2009, the Indiana Department of Environmental Management (IDEM) informed EPA that State Plating ceased its participation in IDEM's Voluntary Remediation Program and requested EPA's assistance in responding to releases and threatened releases of plating shop chemicals and wastes from the Site. IDEM is concerned that conditions at the Site make the neighborhood unsafe. Similarly, the City of Elwood is concerned about the potential health hazards from the plating shop chemicals and other wastes at the Site. The City is also concerned about the apparent inability of the owner/operator to clean up the Site due to apparent financial constraints.

### **III. THREATS TO PUBLIC HEALTH, WELFARE, OR THE ENVIRONMENT, AND STATUTORY AND REGULATORY AUTHORITIES**

The conditions at the State Plating Site present an imminent and substantial threat to the public health, welfare, and the environment based on the factors set forth in Section 300.415(b)(2) of the National Contingency Plan (NCP), as amended, 40 C.F.R. Part 300. These factors include the following:

- i. **Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances or pollutants or contaminants;**
- ii. **Actual or potential contamination of drinking water supplies or sensitive ecosystems;**
- iii. **Hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers that pose a threat of release;**
- v. **Weather conditions that may cause hazardous substances, pollutants, or contaminants to migrate or be released;**
- vi. **Threat of fire or explosion;**

**vii. Availability of other appropriate federal and state response mechanisms to respond to the release.**

Please refer to the original Action Memorandum signed September 21, 2009 (Attachment 1), for detailed threat information. Public health and environmental threats, as well as contaminants of concern, remain the same.

**IV. ENDANGERMENT DETERMINATION**

Given the conditions at the Site, the nature of the confirmed hazardous substances, and the potential exposure pathways described in Sections II and III above, actual or threatened releases of hazardous substances from this Site, if not addressed by implementing the response actions selected in this Action Memorandum, present an imminent and substantial endangerment to public health, or welfare, or the environment.

**V. PROPOSED ACTIONS AND ESTIMATED COSTS**

**A. Proposed Actions**

The OSC proposes to undertake the following actions to mitigate threats posed by the presence of hazardous substances at the Site:

1. Update, if necessary the Site Health and Safety Plan, including an Air Monitoring Plan and Site Contingency Plan;
2. Update, if necessary the Site Security Plan and extend Site Security;
3. Pits, drums, smaller containers, vats, floor sweepings, unknown materials, facility contents, debris, and tanks will be staged, inventoried, sampled, analyzed, and categorized for disposal. Compatible waste streams will be bulked/re-containerized, and appropriately prepared for disposal at off-site disposal facilities;
4. Tanks, piping, debris, drums and other containers will be cleaned as necessary, cut to size and disposed of at off-site disposal facilities;
5. Impacted floors, building components and contents will be cleaned (power washed) and/or disposed of as reasonably possible to remove gross contamination. These actions will be taken to prevent contaminant migration or cross-contamination of cleaned areas;
6. Characterize, remove and properly dispose of hazardous substances and wastes located at the Site in accordance with EPA's Off-Site Rule (40 C.F.R. § 300.440) and;

7. Take any necessary response action to address any release or threatened release of a hazardous substance, pollutant or contaminant that EPA determines may pose an imminent and substantial endangerment to public health, or welfare, or the environment.

The OSC has initiated planning for provision of post-removal site control consistent with the provisions of 40 C.F.R. § 300.415(l). However, the nature of this removal action should eliminate the need for any post-removal Site control.

These activities will require an additional 120 working days to complete.

#### **B. Estimated Costs**

The detailed cleanup contractor cost is presented in Attachment 2 and estimated project costs are summarized in Attachment 5.

Regional Removal Allowance Costs:	Current Ceiling	Proposed Increase	Total Ceiling
Total Cleanup Contractor Costs: (Includes ERRS and subcontractors)	\$607,206	\$ 861,042	\$1,468,248
Other Extramural Costs Not Funded from Regional Allowance:			
Total START, including multiplier costs:	\$ 75,000	\$ 150,000	\$ 225,000
Extramural Contingency (15%, 5%)	\$102,330	\$ 50,552	\$ 152,882
Total Removal Action Project Ceiling	\$784,536	\$1,061,594	\$1,846,130

The response actions described in this memorandum directly address the actual or threatened release at the Site of a hazardous substance, or of a pollutant, or of a contaminant which may pose an imminent and substantial endangerment to public health or welfare or to the environment. These response actions do not impose a burden on affected property disproportionate to the extent to which that property contributes to the conditions being addressed.

#### **Applicable or Relevant and Appropriate Requirements/Off-Site Rule**

All applicable, relevant, and appropriate requirements (ARARs) will be complied with to the extent practicable, considering the exigencies of the situation. On September 2, 2009, EPA sent an E-mail to Harry Atkinson of IDEM requesting that IDEM identify State ARARs. Any State or Federal ARARs identified in a timely manner for this removal action will be complied with to the extent practicable, considering the exigencies of the situation.

All hazardous substances, pollutants or contaminants removed off-site pursuant to this removal action for treatment, storage, and disposal will be treated, stored, or disposed of at a facility in compliance, as determined by EPA, with the EPA Off-Site Rule, 40 C.F.R. § 300.440.

**VI. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NO ACTION TAKEN**

Delayed or no action will result in increased potential of the toxic and hazardous substances to release, thereby threatening the environment and the health and welfare of nearby residents and other persons who are in close proximity to the Site.

**VII. OUTSTANDING POLICY ISSUES**

None.

**VIII. ENFORCEMENT**

For administrative purposes, information concerning the enforcement strategy for this Site is contained in an Enforcement Confidential Addendum (see Attachment 3).

The total EPA costs for this removal action based on full-cost accounting practices that will be eligible for cost recovery are estimated to be \$ 3,307,774.

$$(\$1,846,130+200,000) + (61.66\% \times \$2,046,130) = \$ 3,307,774$$



## IX. RECOMMENDATION

This decision document represents the selected removal action for the State Plating Site, located in Elwood, Madison County, Indiana. This document has been developed in accordance with CERCLA, as amended, and is not inconsistent with the NCP. This decision is based on the Administrative Record for the Site (see Attachment 4). Conditions at the Site meet the NCP criteria for a time-critical removal action listed in 40 C.F.R. § 300.415 (b) (2) and I recommend your approval of the proposed removal action ceiling increase. The total estimated project ceiling increase, if approved, will be \$1,061,594, which will bring the total allowable project ceiling to \$1,846,130. Of this, an estimated \$ 911,594 may be used for cleanup contractor costs. You may indicate your decision by signing below.

APPROVE:  DATE: 1-28-10  
Superfund Division Director

DISAPPROVE: \_\_\_\_\_ DATE: \_\_\_\_\_  
Superfund Division Director

### Attachments:

Action Memorandum, September 22, 2009  
Detailed Cleanup Contractor Estimate  
Enforcement Addendum  
Administrative Record Index  
Independent Government Cost Estimate

cc: D. Chung, U.S. EPA HQ, 5202-G  
(email: David Chung/DC/USEPA/US)  
M. Chezik, U.S. Department of Interior, w/o Enf. Addendum  
(email:michael\_chezik@ios.doi.gov)  
Harry Atkinson, IDEM, w/o Enf. Addendum  
(e-mail:hatkinso@idem.in.gov)

**BCC PAGE**

**(REDACTED 1 PAGE)**

**NOT RELEVANT TO THE SELECTION OF THE REMOVAL ACTION**

**ATTACHMENT 1**

**ACTION MEMORANDUM  
STATE PLATING SITE  
SIGNED SEPTEMBER 21, 2009**

**ATTACHMENT 2**

**DETAILED CLEANUP CONTRACTOR ESTIMATE  
STATE PLATING SITE  
ELWOOD, MADISON COUNTY, INDIANA  
DECEMBER 2009**

The estimated cleanup contractor costs necessary to complete the removal action at the State Plating Site are as follows:

Personnel and Equipment	\$ 398,722
Materials and Miscellaneous	\$ 135,320
Analytical	\$ 2,000
Transportation, Disposal and Roll-Off Boxes	\$ 325,000
 TOTAL	 \$ 861,042

**ATTACHMENT 3**

**ENFORCEMENT ADDENDUM**

**STATE PLATING SITE  
ELWOOD, MADISON COUNTY, INDIANA**

**DECEMBER 2009**

**(REDACTED 2 PAGES)**

**ENFORCEMENT CONFIDENTIAL  
NOT SUBJECT TO DISCOVERY**

## ATTACHMENT 4

### U.S. ENVIRONMENTAL PROTECTION AGENCY REMOVAL ACTION

#### ADMINISTRATIVE RECORD FOR STATE PLATING SITE ELWOOD, MADISON COUNTY, INDIANA

ORIGINAL  
SEPTEMBER 22, 2009  
(SDMS ID: 330995)

<u>NO.</u>	<u>DATE</u>	<u>AUTHOR</u>	<u>RECIPIENT</u>	<u>TITLE/DESCRIPTION</u>	<u>PAGES</u>
1	06/15/09	Atkinson, H., IDEM	Kawecki, J., U.S. EPA	E-Mail Transmission re: the State Plating Site w/ Reply History (SDMS ID: 330996)	1
2	06/19/09	Crowley, J., U.S. EPA	McIntyre, C., U.S. EPA	E-Mail Transmission re: Historical Information for the State Plating Site (SDMS ID: 330997)	1
3	08/07/09	Weston Solutions, Inc.	U.S. EPA	Title Search Report for the State Plating Site (SDMS ID: 330998)	114
4	08/24/09	Weston Solutions, Inc.	U.S. EPA	Site Assessment Report for the State Plating Site (SDMS ID: 330999)	31
5	09/02/09	Boseman, A., U.S. EPA	Atkinson, H., IDEM	E-Mail Transmission re: U.S. EPA Request for State ARARs for the State Plating Site w/ Attachment (SDMS ID: 331000)	2
6	09/22/09	Boseman, A., U.S. EPA	Karl, R., U.S. EPA	Action Memorandum: Request for Approval of Funding in the Amount Amount of \$784,536 for an Emergency Removal Action at the State Plating Site (PORTIONS OF THIS DOCUMENT HAVE BEEN REDACTED, SDMS ID: 331001)	18

UPDATE #1  
DECEMBER 28, 2009

1	00/00/00	Boseman, A., U.S. EPA	Karl, R., U.S. EPA	Action Memorandum: Request for a Ceiling Increase to Complete the Time-Critical Removal Action at the State Plating Site (PENDING)	
---	----------	--------------------------	-----------------------	---	--

**ATTACHMENT 5**

**INDEPENDENT GOVERNMENT COST ESTIMATE**

**STATE PLATING SITE  
ELWOOD, MADISON COUNTY, INDIANA**

**DECEMBER 2009**

**NOT RELEVANT TO THE SELECTION OF THE REMOVAL ACTION**

**(REDACTED 1 PAGE)**